

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA	:	CIVIL ACTION
ex rel. MICHAEL J. PISKANIN	:	
	:	
v.	:	
	:	
SUPT. GOODE, et al.	:	NO. 06-cv-01823-JF

UNITED STATES OF AMERICA	:	CIVIL ACTION
ex rel. MICHAEL J. PISKANIN	:	
	:	
v.	:	
	:	
SUPERIOR COURT OF NEW JERSEY	:	NO. 06-cv-01864-JF

UNITED STATES OF AMERICA	:	CIVIL ACTION
ex rel. MICHAEL J. PISKANIN	:	
	:	
v.	:	
	:	
WAVERLYTOWN COURT OF STATE	:	
OF NEW YORK, et al.	:	NO. 06-cv-01866-JF

MEMORANDUM AND ORDER

Fullam, Sr. J.

June 29, 2006

On October 21, 2005, the petitioner, Michael J. Piskanin, Jr., filed a hand-written document which was apparently intended to constitute an application for a writ of habeas corpus. On October 28, 2005, I entered an order directing the Clerk of Court to furnish petitioner with a copy of the current standard form for habeas corpus petitions and gave petitioner a period of 30 days in which to complete and return the form, together with a \$5 filing fee, if he wished to proceed. Petitioner did not respond to that order, and, on February 14,

2006, his action was dismissed without prejudice (C.A. No. 05-cv-05524).

The petitioner has now filed the above-captioned three civil actions which, for convenience, will now be consolidated. On May 1, 2006, petitioner filed C.A. No. 06-cv-01823 - a very lengthy, hand-written complaint concerning a criminal prosecution against petitioner in the Court of Common Pleas of Lehigh County. On May 3, 2006, petitioner filed the other two actions. In C.A. No. 06-cv-01864, petitioner is suing the Superior Court of New Jersey for having lodged a detainer against him. In C.A. No. 06-cv-01866, petitioner is suing New York officials for (apparently) attempting to extradite him to that state. Petitioner himself is confined in a Pennsylvania state correctional facility located at Cresson, in Cambria County, Pennsylvania, which is within the Western District of Pennsylvania.

Obviously, this court does not have jurisdiction over the Superior Court of New Jersey, or the New York state officials, and, in any event, is without subject matter jurisdiction to address the validity of their detainers and/or extradition proceedings. Civil Action Nos. 06-cv-01864 and 06-cv-01866 will therefore be dismissed.

The only one of the three cases in which this court might conceivably have jurisdiction is C.A. No. 06-cv-01823, which appears to constitute a combination of a § 1983 action for violation of constitutional rights, and an application for a writ

of habeas corpus. To the extent petitioner is seeking habeas corpus relief, the following problems arise:

(1) None of the defendants is the custodian of the petitioner.

(2) The petition is incomprehensible, and not submitted on the correct form.

(3) Apparently, petitioner was, or is being prosecuted in the Court of Common Pleas of Lehigh County but the complaint does not tell us what the charges were, what the sentence (if any) was, or anything else about the case except petitioner's belief that everyone involved, including the trial judge, the prosecutor, and law enforcement officials were biased and corrupt, and involved in a vast conspiracy against petitioner. Petitioner's repeated allegations to the effect that he is suffering from diabetes-related "dementia" may provide an explanation for the deficiencies alluded to.

(4) At any rate, it is clear from the petitioner's allegations that the criminal prosecution has not yet terminated, and obviously, petitioner has not exhausted his state court remedies.

For all of these reasons, C.A. No. 06-cv-01823 will be dismissed.

An Order follows.

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SUPT. GOODE, et al.	:	NO. 06-cv-01823-JF

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SUPERIOR COURT OF NEW JERSEY	:	NO. 06-cv-01864-JF

UNITED STATES OF AMERICA	:	CIVIL ACTION
ex rel. MICHAEL J. PISKANIN	:	
	:	
v.	:	
	:	
WAVERLYTOWN COURT OF STATE	:	
OF NEW YORK, et al.	:	NO. 06-cv-01866-JF

ORDER

AND NOW, this 29th day of June 2006, IT IS ORDERED:

1. Civil Action No. 06-cv-01864 is DISMISSED, for lack of jurisdiction.

2. Civil Action No. 06-cv-01866 is DISMISSED, for lack of jurisdiction.

3. Civil Action No. 06-cv-01823 is DISMISSED, without prejudice to petitioner's right to pursue an application for writ of habeas corpus in the appropriate district at such time as state court remedies have been exhausted.

4. The Clerk is directed to close all three files statistically.

BY THE COURT:

/s/ John P. Fullam
John P. Fullam, Sr. J.